Title 3—DEPARTMENT OF CONSERVATION

Division 10—Conservation Commission

Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The Commission proposes to amend subsection (3)(D), add subsection (3)(E), and reletter subsequent subsections of this rule. Also modify common names of crayfish in (3)(G)(2)(C-F).

PURPOSE: This amendment provides for the sale of only the Virile (or "Northern") crayfish (Orconectes virilis) for live bait from instate sources. It also corrects the common names of crayfish in the approved Crustaceans list.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

- (1) Possession of Native Species.
- (A) A maximum of five (5) specimens of any native wildlife not listed in 3 CSR 10-4.110(4) or 3 CSR 10-9.240, except endangered species, bats, dusty hog-nosed snake, Kirtland's snake, western fox snake, and alligator snapping turtles, may be taken and possessed alive by a resident of Missouri without permit, but these animals shall not be bought or sold. Bones, skins, shells, and other parts of such wildlife may be possessed for personal use without permit, but these wildlife parts in
- any form shall not be bought or sold. Wildlife held under this subsection may not be transported (or shipped) from the state.
- (B) Native invertebrates listed in the current *Missouri Species and Communities of Conservation Concern Checklist* booklet, which is hereby incorporated in this Code by reference, may only be collected and held by holders of a Wildlife Collector's Permit and only as prescribed in 3 CSR 10-9.425. This booklet is published annually in January by, and a printed copy can be obtained from, the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions to the Checklist.
- (2) Except for federally-designated endangered species and species listed in 3 CSR 10-4.117 and 3 CSR 10-9.240, the following may be bought, sold, possessed, transported, and exhibited without permit: Asiatic clams (*Corbicula* species) taken from impoundments that are not waters of the state; bison; amphibians, reptiles, and mammals not native to Missouri; and those birds (except ring-necked pheasants and gray partridge) not native to the continental United States.

- (3) Fish and crayfish may be bought, sold, transported, propagated, taken, and possessed by any person without permit throughout the year in any number or size and by any method providing—
- (A) That person has in his/her possession a dated, written statement showing the number or weight of each species and the weight of extracted fish eggs (raw or processed) of each species, as proof that such animals or fish eggs were obtained from other than waters of the state or from a licensed commercial fisherman, provided that animals or fish eggs from outside the state were legally obtained from a commercial source;
- (B) That person shall keep a dated receipt that includes the number or weight of each species and the weight of extracted fish eggs (raw or processed) of each species, that were sold or given away and the name, address and signature of the recipient. These receipts shall be retained for three (3) years and shall be made available for inspection by an authorized agent of the department at any reasonable time;
- (C) That person is in compliance with all provisions of this Code pertaining to importation, purchase, or sale of endangered species, and importation of live fish or viable fish eggs of the family *Salmonidae*;
 - (D) Except as further provided in this rule, [L]live crayfish, other than those prohibited in 3 CSR 10-4.117, may be imported, bought, or sold only for
 - 1. Human consumption; or
 - 2. Scientific research conducted by, or food for confined animals held by, an authorized representative of a university, college, school, incorporated city, state, or federal agency, publicly-owned zoo or wildlife or research organization, or other qualified individual.
 - (E) Only the Virile (or "Northern") crayfish (*Orconectes virilis*) may be purchased for re-sale or sold for use as live bait. Live Virile ("Northern") crayfish may not be imported into the state.
- ([E]F) That the privileges of this section do not apply to taking or possession in, on or from waters of the state, waters stocked by the state, or waters subject to movements of fishes into and from waters of the state, except -
- 1. Animals defined as live bait and possessed under provisions of this section may be possessed on the waters of the state for use as live bait except that bighead carp and silver carp may not be used as live bait but may be used as dead or cut bait;
- 2. Fish cultured by a commercial fish producer that remain in a man-made impoundment following inundation by flooding from waters of the state as defined in this Code shall be considered the property of the impoundment owner; provided the remaining fish species are the same as were present in the impoundment prior to inundation. Any other fish species in the impoundment shall be considered the property of the state and not available for sale, and shall be returned unharmed immediately to the waters of the state when harvested; and
- 3. With the written authorization of the director, a privately owned impoundment that is entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and that is designated as waters of the state, may be used for the commercial production of species listed in the Approved Aquatic Species List in 3 CSR 10-9.110 (3)(G) that were not stocked by the department, provided that -
- A. The impoundment owner has in his/her possession a dated, written statement showing the number or weight of each species stocked as proof that such animals were legally obtained from other than waters of the state or from a licensed commercial fisherman;
- B. The species being produced may be harvested by the methods and under the conditions specified in the director's written authorization. All other species caught during culture activities must be returned unharmed immediately to the water; and
 - C. Statewide seasons, methods and limits apply for all other species;
 - ([F]G) That the privileges of this section apply only to the following:

- 1. Species listed in the Approved Aquatic Species List (including all subspecies, varieties, and hybrids of the same bought, sold, transported, propagated, taken, and possessed for purposes of aquaculture, but excluding transgenic forms);
 - 2. Species frozen or processed for sale as food products;
 - 3. Species incapable of surviving in fresh water;
- 4. Fish held only in aquaria, tanks, or other containers having water or solid wastes discharged only into septic systems or municipal waste treatment facilities that are designed and operated according to guidelines of the Missouri Department of Natural Resources or that entirely recirculate all of the water so that none of it shall drain into a water body;
- 5. Species other than fish held only in aquaria, tanks, or other containers that have the following specifications: all containers including the drain pipe or stand pipe must be completely covered with an intact screen of a maximum mesh size of one-sixteenth inch (1/16") square, and having water or solid wastes discharged only into septic systems or municipal waste treatment facilities that are designed and operated according to guidelines of the Missouri Department of Natural Resources or that entirely recirculate all of the water so that none of it shall drain into a water body; and
- 6. Species or systems that do not meet the conditions of one of paragraphs 1. through 5. above that have been inspected by a representative of the department and received prior written approval from the director. Only closed systems from which the escape of live organisms (including eggs, parasites, and diseases) is not possible will be approved. A system is considered closed when it is contained securely within an enclosed structure having no discharge of water or solid wastes. Any water or solid wastes removed from the system shall be disposed only into septic systems or municipal waste treatment facilities that are designed and operated according to guidelines of the Missouri Department of Natural Resources. Outdoor impoundments are not considered closed systems; and

([G]H) Approved Aquatic Species List.

- 1. Fishes.
 - A. Shovelnose sturgeon (Scaphir-hynchus platorynchus)
 - B. Paddlefish (*Polyodon spathula*)
 - C. Spotted gar (*Lepisosteus oculatus*)
 - D. Longnose gar (*Lepisosteus osseus*)
 - E. Shortnose gar (*Lepisosteus plato-stomus*)
 - F. Bowfin (Amia calva)
 - G. American eel (Anguilla rostrata)
 - H. Gizzard shad (Dorosoma cepedianum)
 - I. Threadfin shad (*Dorosoma petenense*)
 - J. Rainbow trout (Oncorhynchus mykiss)
 - K. Golden trout (Oncorhynchus aqua-bonita)
 - L. Cutthroat trout (Oncorhynchus clarkii)
 - M. Brown trout (Salmo trutta)
 - N. Brook trout (Salvelinus fontinalis)
 - O. Coho salmon (*Oncorhynchus kisutch*)
 - P. Atlantic Salmon (Salmo salar)
 - Q. Northern pike (Esox lucius)
 - R. Muskellunge (*Esox masquinongy*)
 - S. Goldfish (Carassius auratus)
 - T. Grass carp (Ctenopharyngodon idella)
 - U. Common carp (Cyprinus carpio)
 - V. Bighead carp (Hypophthalmi-chthys nobilis)
 - W. Golden shiner (Notemigonus cryso-leucas)
 - X. Bluntnose minnow (*Pimephales notatus*)

- Y. Fathead minnow (*Pimephales promelas*)
- Z. River carpsucker (Carpiodes carpio)
- AA. Quillback (Carpiodes cyprinus)
- BB. White sucker (Catostomus com-mersoni)
- CC. Blue sucker (Cycleptus elongatus)
- DD. Bigmouth buffalo (Ictiobus cyprinellus)
- EE. Black bullhead (Ameirus melas)
- FF. Yellow bullhead (Ameirus natalis)
- GG. Brown bullhead (Ameirus nebulosus)
- HH. Blue catfish (*Ictalurus furcatus*)
- II. Channel catfish (Ictalurus punctatus)
- JJ. Flathead catfish (*Pylodictis olivaris*)
- KK. Mosquitofish (Gambusia affinis)
- LL. White bass (*Morone chrysops*)
- MM. Striped bass (Morone saxatilis)
- NN. Green sunfish (Lepomis cyanellus)
- OO. Pumpkinseed (Lepomis gibbosus)
- PP. Warmouth (Lepomis gulosus)
- QQ. Orangespotted sunfish (Lepomis humilis)
- RR. Bluegill (Lepomis macrochirus)
- SS. Longear sunfish (Lepomis megalotis)
- TT. Redear sunfish (*Lepomis micro-lophus*)
- UU. Smallmouth bass (*Micropterus dolomieu*)
- VV. Spotted bass (Micropterus punctulatus)
- WW. Largemouth bass (*Micropterus salmoides*)
- XX. White crappie (*Pomoxis annularis*)
- YY. Black crappie (*Pomoxis nigromaculatus*)
- ZZ. Yellow perch (Perca flavescens)
- AAA. Sauger (Sander canadensis)
- BBB. Walleye (Sander vitreus)
- CCC. Freshwater drum (Aplodinotus grunniens)
- 2. Crustaceans.
 - A. Freshwater prawn (Macrabrachi um rosenbergii)
 - B. Pacific white shrimp (*Litopenaeus vannamei*)
 - C. [Northern] Virile ("Northern") crayfish (Orconectes virilis)
 - D. White River [crayfish] crawfish (Procambarus acutus)
 - E. Red Swamp [crayfish] crawfish (Procambarus clarkii)
 - F. [Papershell] Calico ("Papershell") crayfish (Orconectes immunis)

(4) Live fish, their eggs, and gametes of the family Salmonidae (trouts, char, salmon) may be imported to the state only by the holder of a salmonid importation permit and any other appropriate state permit. An importation permit shall be required for each shipment and will be issued at no charge. Application forms for the salmonid importation permit can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. The application for salmonid importation permit must be received not less than fifteen (15) nor more than eighty (80) days prior to the proposed date of shipment. Prior to permit issuance, the immediate source of the importation must be currently certified as negative for viral hemorrhagic septicemia, infectious pancreatic necrosis, infectious hematopoietic necrosis, Myxobolus cerebralis, or other diseases which may threaten fish stocks within the state, must have been certified negative for the previous three (3) consecutive years and must not pose a threat of introducing unwanted species. When importing live fish, the immediate source if importation must be certified as currently free of Salmincola spp. Certification will only be accepted from federal, state, or industry personnel approved by the department and only in accordance with provisions on the permit application form. Fish, eggs, and gametes imported under this permit are subject to inspection by authorized agents of the department and this inspection may include removal of reasonable samples of fish or eggs for biological examination.

JUSTIFICATION: Introduced invasive alien crayfish typically cause serious problems to aquatic ecosystems including 1) declines or extirpations of native insects, crayfish, mollusks, amphibians, reptiles, and fish, 2) altered ecosystem function, 3) habitat degradation, and 4) sport fishery declines. Alien crayfish have been introduced to 24 known locations in Missouri; MDC has documented declines or extirpations of 6 native species, including 3 that MDC recognizes as "species of conservation concern." "Baitbucket introductions" of leftover crayfish bait by anglers is considered the primary vector for these introductions, but releases of pets, classroom specimens and crayfish from aquaculture facilities are also known vectors. This amendment provides the bait industry an instate species for sale to meet their needs while reducing the risk of importation of nonnative crayfish species.

PUBLIC ENTITY COST: This proposed amendment will cost the Department of Conservation an estimated \$168,318 annually to develop and conduct crayfish identification training sessions and to administer and verify compliance of live bait sales.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

Proposed effective date: **March 1, 2014** Submitted by: Resource Science Division